Understanding Social Action, Promoting Human Rights

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Barriers to Dispute Resolution

Reflections on Peacemaking and Relationships between Adversaries

BYRON BLAND, BRENNA POWELL, AND LEE ROSS

I. Introduction

What stands in the way of agreement? What prevents individuals and groups from reaching agreements that are not only in the best interests of the parties but respectful of the human rights of those affected by an ongoing conflict and likely to benefit from a just settlement of that conflict? More specifically, what prevents those with the power to make or block an agreement from opting for the latter? Addressing this simple question can help guide those trying to manage or resolve a protracted conflict. This question of "barriers" is especially relevant in cases where consideration of the objective interests of the conflicting parties makes it clear that there are possible agreements that, by any objective assessment, would constitute an advance over the status quo for both parties and welcome relief to the suffering of the most vulnerable. Indeed, in many cases (for example, in the conflict between Israel and Palestinians and the search for a "two-state" solution), even as the stalemate persists, costs mount, and suffering continues, the broad outlines of such an agreement may be apparent to all concerned. In rare cases, the main source of the stalemate may be personal stubbornness on the part of political leaders or lack of skill on the part of the negotiators. More typically, however, the barriers are less personal. Indeed, we believe that the level of analysis required is one that goes beyond the normal realms of political science and statecraft.

In 1995, an interdisciplinary group of social scientists associated with the Stanford Center on Conflict and Negotiation (now the Stanford Center on *International* Conflict and Negotiation or SCICN) provided the beginnings of such analysis in an edited volume entitled *Barriers to Conflict Resolution* (Arrow,

Mnookin, Ross, Tversky, and Wilson eds., 1995). In the introductory chapter of that volume, Mnookin and Ross began by noting some familiar conflicts, ranging from domestic labor strikes and lawsuits to intergroup and international disputes that subject many to gross violations of their human rights, which prove refractory to resolution even when both sides would seemingly have benefited from avoiding the struggle or from reaching an earlier settlement and saving the various costs of that struggle. At the time, the Cold War, which saw the United States and the Soviet Union spend vast sums and endure great risks in an ever-escalating arms race when their mutual interests would have been better served by mutual de-escalation, was much on the mind of the authors. But in the decades that followed that stalemate, which now seems a distant memory as the two sides continue a program of periodic mutual reductions in nuclear weapons, has been replaced with a number of ethnic and religious struggles that have proven to be no less costly to the parties, a source of even greater suffering, and similarly refractory to solution.

The authors of the SCICN volume distinguished three types of barriers that account for the failure of parties to do what negotiation theorists, including Homans (1961) and Fisher and Ury (1981) in their justly celebrated thin volume, *Getting to Yes*, prescribe as the recipe for successful negotiation. That is, each side is urged to yield what it values less than its counterpart in order to receive what it values more than its counterpart. In a sense, what this chapter addresses is the challenge of converting intergroup conflicts from unproductive and intractable exchanges of charges and countercharges into interest-based negotiations wherein such efficient trades of concessions, and ideally proposals to "expand the pie" to mutual advantage, become possible. In this chapter, we begin by briefly reviewing these three sets of barriers. We then proceed to discuss the "real-world" lessons that successive SCICN scholars and practitioners have learned in lending their services to ongoing peacemaking efforts: lessons that have led us increasingly to focus on the task of improving the relationship between the parties so that it ceases to exacerbate, and ideally begins to attenuate, the barriers in question. While our research has not dealt specifically with the issue of human rights, failures of leaders and elites to reach agreement inevitably exact a particularly heavy toll on the most disadvantaged and vulnerable members of the relevant communities. Furthermore, as will be apparent, some of the real-world lessons we have learned deal specifically with the thorny problem of balancing the pursuit of justice and the end to humiliating conditions against mere improvement of the status quo.

A. Structural Barriers

One set of barriers involves organizational, institutional, and/or situational constraints that prevent the parties from meeting and coordinating their interests. These barriers include constraints on the exchange of information required for

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the parties to discern and communicate relevant priorities and agency problems insofar as the interests of factional leaders or representatives and political or economic elites are served over the best interests of the principal parties. They also include bureaucratic practices that discourage the acceptance of political costs and risks and otherwise elevate short-term, special interests over longer-term, general concerns. An additional barrier in many conflicts is the fact that the necessary compromises and concessions must be made sequentially rather than simultaneously—so that one side has to "go first" with no certainty that the other side will follow suit, which requires political courage and the trust of the leader's constituency.

B. Tactical and Strategic Barriers

A second set of barriers arises from the dynamics of self-interested bargaining and negotiation. The parties seek to maximize their own share of any gains to be achieved from an agreement through secrecy, deception, bluffing, foot-dragging, and other "hardball" tactics. While these tactics may not be irrational in terms of the calculus of negotiation, they do impose costs and risks. Inevitably, they delay agreements and increase transaction costs. Typically, the relevant failures to cooperate in the task of joint problem solving also decrease the "efficiency" or joint value of any agreements that are reached. If we consider the familiar bargaining metaphor that involves the making and dividing of a pie, in employing such tactics to increase their share, the parties decrease the size (and value) of the pie they are dividing.

C. Psychological Barriers

The remaining set of barriers discussed by Mnookin and Ross are ones that the authors claimed had received insufficient attention from negotiation theorists and practitioners. These barriers, which we review below, involve psychological processes and biases that are rooted in the way that ordinary human beings perceive, understand, and interact with the actors and events they experience. The list of such barriers—some discussed in their seminal chapter, others suggested in subsequent work by SCICN researchers and their colleagues—include not only the failure to recognize the possibility of "win/win" agreements but also avoidance and reduction of cognitive dissonance; biased assimilation of relevant information about past events and bases for entitlements, and the assumption that one's own views are more objective or realistic than those of one's adversary; judgmental overconfidence about the future and relevant BATNAs; insistence on equity or justice instead of mutual gain; loss aversion that entails the overweighting of potential losses relative to potential gains; and "reactive devaluation."

1. Failure to recognize the potential for "win/win" agreements

Parties may assume that no mutually beneficial trades of concessions or efforts at creating joint value exist. Indeed, in extreme cases—cases in which the parties are convinced that the "other side" is an implacable enemy that seeks their destruction—they may assume that their struggle is a zero-sum game in which gains by the other side necessarily represent losses for their own side, and vice versa. At best, the two sides in such cases may agree to short-term truces or *hudnas* as they prepare for the next stage of the struggle. Insofar as such beliefs are incorrect, and moderate elements in both parties have overlapping interests but fail to realize that they have counterparts on the other side, "hardliners" will dictate policy to the detriment of all concerned. Moreover, those hardliners will brand people on their side of the conflict who are interested in dialogue and negotiation as traitors. While this portrait seems highly applicable to some on-going conflicts, it is worth noting cases in which dialogue and patient negotiation has overcome this barrier, and formerly implacable adversaries now are willing, albeit warily, to cooperate. Northern Ireland is perhaps the most obvious case in point. Maximalist demands that would be totally unacceptable to the other side have become rare, and those seeking somewhat different futures are obliged to pursue their aims at the ballot box and through the processes of persuasion rather than resort to car bombs and guns.

2. Dissonance reduction and avoidance

While the failure to recognize the existence of potential agreements that would be to the benefit of both sides in a conflict may be a source of mutually hurting stalemates, such is often not the case. It is certainly not the case in the Middle East. There, as in other protracted conflicts in which the parties fail to make the mutual compromises recognized by most to be necessary to end those conflicts, the role of *cognitive dissonance* (Festinger, 1957) is palpably apparent. In particular, the rationalizations and means of dissonance reduction that allowed the parties to justify their past sacrifices and suffering, and their past rejection of potential agreements that could have ended that suffering, make it difficult to accept a deal that is no better, and perhaps even worse, than one that might have been available in the past. The rallying calls of the rejectionists are all too familiar: *The other side is the devil incarnate. We can't deal with them because we can't trust them. God (or history) is on our side. We are more resolute than the other side because right makes might. We can't break faith with the martyrs who fell in service of the cause or who suffered the most at the hands of the other side. The rest of the world is bound to wake up one day and recognize the injustice we are suffering and the justice of our aspirations.* These calls, and the threats issued against those willing to pay the

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price required for peace, serve to perpetuate deadlocks even when circumstances favoring agreement have changed for the better, or when the folly of continuing the struggle has become more apparent to all concerned.

While the implications of dissonance reduction may be bleak in the context of protracted and costly stalemates, there is one optimistic note worth sounding before we continue our account of other barriers that stand in the way of achieving agreements. Once a settlement *has* been reached, the process of dissonance reduction can play a rather constructive role—especially if the decision to settle has been freely reached, if effort has been expended, or sacrifices made that require rationalization to the self or public justification (Aronson, 1969; Brehm and Cohen, 1962). In the aftermath of agreements that represent dramatic changes in policy, leaders and followers alike may strive to find and exaggerate positive features and unanticipated benefits of the settlement and to minimize or disregard negative ones. We saw such processes occur in dramatic fashion early in 1972 when former President Richard Nixon suddenly and unexpectedly reached détente with China. And we have some optimism that the same processes would operate in the aftermath of agreements in the Middle East and in other troubled areas of the globe.

3. Biased assimilation and "naïve realism"

One of social psychology's most enduring contributions to the understanding of disagreement has been to highlight the importance of subjective interpretation. Long ago, Solomon Asch's classic text, Social Psychology (1952), cautioned us that differences in judgment might reflect differences not in values or preferences but in the way the objects of judgments are being perceived or construed by the relevant individuals. In a paper that helped to launch the cognitive revolution throughout all of psychology, Jerome Bruner (1957) observed that people go "beyond the information given." They fill in details of context and content, they infer linkages between events, and they use their existing dynamic scripts or schemes or adopt new ones to give events coherence and meaning. In short, they interpret events—both past and present—in light both of their expectations and of their needs, hopes, and fears (see Nisbett and Ross, 1980; also Fiske and Taylor, 2008; Ross, Lepper, and Ward, 2010).

In the context of ongoing conflict, parties disagree both about historical facts and the relationship between facts. They learn different histories in school and from their parents and from the media—about what happened and why it happened, about who initiated acts of aggression and whose aggressive acts were justifiable retaliations, about who has been stubborn or untrustworthy in the past, and who has merely been realistic and principled. One needs only to read articles or hear speeches by opposing partisans, or to expose oneself to the media

in the warring societies, to observe such divergent views of reality. Each side points to the violations of human rights they have suffered at the hands of their adversaries and dismisses their misdeeds as inevitable responses to the wrongs perpetrated by the other side, or as the responsibility of extremists acting without the blessing of their leaders.

Different understandings of the past and present add fuel to any conflict, giving rise to different claims and demands about the requirements for a satisfactory, much less just, resolution of the conflict. This barrier is exacerbated by the fact that opposing partisans not only disagree, they also make *attributions* about each other's claims and narratives offered in support of those claims. To some extent, those claims and narratives are apt to be dismissed as simple exercises in dishonest pleading that are designed to maintain passion and solidarity or to justify unreasonable actions and demands to parties outside the conflict who are urging resolutions. But to some extent, they are seen to be the actual views of the claimants. The latter attribution, in fact, can create even more of a barrier to fruitful negotiation than the former one.

Let us enlarge a bit on this contention. When people, whether laypeople or sophisticated policy makers, consider information, they do so with the conviction that a one-to-one relationship exists between their personal *perceptions* of the objects and events they are considering and the *real* nature of the objects and events themselves (see Ross and Ward, 1996). As "naïve realists" we believe that we see entities and events as they are in objective reality. This conviction applies not only to our basic perceptions, but to the attitudes, preferences, sentiments, and priorities that arise from those perceptions. We believe that our particular views reflect a relatively dispassionate, unbiased, and essentially "unmediated" or "bottom-up" apprehension of the information or evidence at hand. From this conviction, it follows that those who express *different* views about the real nature of things and about the implications that follow from "objective" are either dishonest or deluded. The inference is that insofar as the other side believes what it is claiming, their views are the product of self-interest, lies told by leaders, some pernicious ideology, or some other source of "top-down" bias to which those on their *own* side (or at least those on their own side who are just as reasonable and rational as themselves) have been immune.

The inference that others are seeing matters in an inaccurate, even systematically biased manner does not immediately produce enmity. On the contrary, it may well lead people of goodwill to assume that rational open-minded discourse, in which information and cogent arguments are freely exchanged, will lead to agreement (or at least to a marked narrowing of *dis*agreement). Such optimism, in my own experience and that of others who have conducted intergroup dialogue processes, however, generally proves to be short lived. While the dialogue participants' experience may be positive in many respects, neither side generally

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yields much to the other side's attempts at enlightenment. The conclusion reached by individuals on both sides of the issue, especially when it is clear that those on the other side are not lacking in interest or intellectual capacity, is that the ability of those on the other side to proceed from facts and evidence to conclusions continue to be distorted by some combination of self-interest, defensiveness, or mistaken ideology.

Attributions involving individual or collective self-interest made by partisans are, in fact, apt to be buttressed by observation and analysis. There generally *is* a nontrivial correlation between beliefs held or policies advocated and the individual or collective self-interest of the relevant advocates. Partisans thus rarely will find it difficult to detect that linkage in the positions advocated by those on the other side of the table. What they generally lack is recognition that a similar correlation exists between their *own* views and their *own* self-interests. This bleak account of the fate of many attempts at intergroup dialogue in the context of ongoing conflict can be linked to the message from ongoing laboratory research. In a series of studies dealing with perceived bias versus objectivity in judgments about political issues that typically divide Americans (e.g., Pronin, Kruger, Savitsky, and Ross, 2001; Pronin, Lin, and Ross, 2002), investigators have shown that people see themselves as less subject to a large number of specific biases (including wishful thinking, self-serving biases in interpreting data, and a variety of other psychological failings that both produce bad decisions and exacerbate conflict) than other individuals. Moreover, the tendency for people to see others as more susceptible than themselves to such bias appears to be a linear function of the size of the perceived discrepancy between their own views and the views of those "others" (Pronin, Gilovich, and Ross, 2004). In the context of conflict, the combination of biased assessment of facts and naïve realism leads to pessimism at best, and typically also to distrust and demonization of those on the other side.

4. Judgmental overconfidence

Overconfidence in judgment and undue optimism about one's ability to anticipate and control events is a ubiquitous and much-documented phenomenon. One source of that overconfidence particularly relevant to conflict situations involves asymmetries in information (see Kahneman and Tversky, 1995). In particular, parties know their own plans and information reflected in those plans better than they know the plans and bases for plans of the other side. The parties also know what they will do to thwart the plans of the other side better than they know what preventative or retaliatory measures the other side might take. Accordingly, both sides are apt to feel that their bargaining position, or even freedom to act in the absence of any agreement, will be better in the future than at

the present. As such, they will adopt harder-line positions or show less willing-ness to sit down at the bargaining table than would be the case in the absence of such asymmetries in information.

Naïve realism of the sort described earlier may also play a role insofar as both sides are unduly optimistic that reasonable third parties will share their views about the requirements of an equitable resolution, if not immediately, then in the not-too-distant future after the "real" nature of the conflict and the relative merits of the two sides' arguments and demands have been explained. One side may be correct in the conviction that time is on its side, but each side would be advised to reflect on the fact that the other party seems to think that time is on *its* side. In our experience, both sides initially underestimate the price that con-tinuation of the conflict will exact. Indeed, it is only when at least one party comes to recognize that time is not on its side—that at best it will continue to pay a heavy price without improving its leverage, and at worst its position will deteriorate—that real progress becomes possible. Ideally, of course, what is needed is a combination of despair and hope, growing pessimism about the wis-dom of continuing to make maximalist demands and growing optimism that agreement is possible, and growing appreciation of the benefits that would ensue.

5. Insistence on equity or justice

Negotiating parties are customarily urged to engage in exchanges whereby each improves its situation by ceding things they value less than the other party in order to gain things it values more than the other party. But in the context of long-standing conflict, the parties typically seek more than a simple advance over the status quo—they demand and feel entitled to receive *fairness, equity,* or even *justice* (see Adams, 1965; Homans, 1961; also Berkowitz and Walster, 1976; and Walster, Walster, and Berscheid, 1978). The parties want an agreement that allocates gains and losses in a manner proportionate to the strength and le-gitimacy of the negotiating parties' respective claims—one that not only ends the other side's violation of human rights but offers fair compensation for the victims. Such demands for equity, and especially for justice, raise the bar for the negotiators, especially when the parties inevitably have different narratives about past events and thus what would be an equitable agreement differ.

Looking through the prism of naïve realism, both sides in the conflict feel that it is they who have acted more honorably in the past, they who have been more sinned against than sinning, and they who are seeking no more than that to which they are entitled. Both sides, moreover, are apt to feel that it is *their* inter-ests that most require protection in any negotiated agreement—for example, by avoiding ambiguities in language that could provide "loopholes" that could be

exploited by the other side (while, at the same time, avoiding unrealistically rigid requirements for their own side that could compromise their ability to deal with unforeseen future developments). They also are bound to have divergent views about the future (i.e., who will grow stronger with the passage of time and whose assurances can be taken at face value and trusted).

Third party mediators may face a particularly difficult challenge in this regard, as both parties are apt to see evenhandedness as giving their side less than its due. Even if the parties recognize that the mediator is seeking an "efficient" agreement in light of the parties' interests and priorities, they are apt to resent the fact that the greater legitimacy of their side's aspirations has not been taken into account, and the parties disagree strongly about the "balance" of any proposal that seeks to give both parties what they feel they need and deserve. Moreover, the disputants are apt to misattribute each others' cool response to the mediator's proposal in a way that heightens enmity and mistrust. Each party is likely to feel that the other is being disingenuous in its public pronouncement of concern and disappointment—that the other side is engaging in "strategic" behavior designed to secure sympathy from third parties and win further concessions. And, of course, each party responds with anger and suspicion when it hears its own response characterized in such uncharitable terms.

6. Loss aversion

The work that Danny Kahneman and Amos Tversky (1979) pioneered on prospect theory, in general, and on the role of loss aversion, in particular, has profound relevance for our understanding of negotiation stalemates (Kahneman and Tversky, 1995). That is, research suggests that parties attach greater weight to prospective losses than prospective gains, especially when the former are certain and immediate, and the latter are uncertain and prospect more for the future than the present. One important consequence is that parties will take unwise risks to avoid certain and immediate losses. At the same time, the parties will prove unwilling to take risks—even risks with better prospects in terms of probable outcomes—in order to pursue gains. Another is that parties in negotiation will unwisely turn down proposed changes of concession that offer a mix of gains and losses, even when the former promise to be objectively greater than the latter.

Prospect theory also points toward a further complication for conflict resolution. Parties quickly assimilate gains as an entitlement but are slow to reconcile with losses. Thus, a concession received is likely to be viewed as an entitlement, while a concession granted is likely to remain an irritant. This asymmetry of assessment makes it likely that the parties will disagree about the worth of a concession in the negotiation process, and this disagreement fosters mistrust and

suspicion. An obvious implication of prospect theory for practitioners involves the importance of "framing" potential risks and gains. In particular, it is important that parties recognize that maintenance of the status quo is itself a choice that entails potential losses and risks. The risks and losses of a particular course of action may seem more attractive, or at least be considered more rationally, when the risk and losses of doing nothing or forcefully preventing changes are also factored into the equation.

7. Reactive devaluation

Beyond the impediments to negotiated agreement posed by the motivational and cognitive biases discussed thus far, there is a further barrier resulting from the dynamics of the negotiation process itself that has been documented in research. That is, the evaluation of specific package deals and compromises may *change* as a consequence of their having been put on the table, especially if they have been offered or proposed by one's adversary. Evidence for such "reactive devaluation" has been provided in laboratory and field settings in which subjects evaluated a variety of actual or hypothetical dispute resolution contexts and proposals (see Ross and Ward, 1995).

Three findings emerge from this work. First, and perhaps least surprising, the terms of a compromise proposal for bilateral concessions are rated less positively when they have been put forward by the "other side" than when the same terms ostensibly have been put forward by a representative of one's own side. A Cold War era cartoon nicely anticipates the relevant phenomenon. It shows two men in a coffee shop. One man reading the paper says to the other, "You know, a total test ban on testing nuclear weapons could bring a halt to the arms race." The second man responds, "It sounds good, but the Soviets would never agree to it." The first replies, "They are the ones who proposed." The second retorts, "Then it's out of the question!" This was demonstrated convincingly in a study by Maoz, Ward, Katz and Ross (2002) in which Israeli Arabs and Jews rated actual proposals put forward by the two sides in the post-Oslo negotiations, with the putative authorship of these proposals manipulated by the experimenter. As predicted, putative authorship influences the relative attractiveness of these proposals to the two groups of participants. Indeed, when the Israeli proposal was attributed to the Palestinian side in the negotiation and vice versa, Israeli participants rated the actual proposal of their side to be less attractive than the actual proposal of the other side.

Our work in many conflict contexts has repeatedly prompted us to discuss this barrier with political leaders. One such occasion was a meeting with a Unionist official in Stormont just after the IRA had offered to allow third parties to inspect the relevant weapon caches and verify that they were safely stored

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and beyond use. He echoed the sentiment of his political party by insisting that the opportunity to inspect those caches of weapons was a positive step, but what really mattered was actually turning in the guns—and that the failure to agree to do so was a sign of bad faith and a cause for suspicion. We then asked him how he would have responded had the IRA offered to turn in guns but refused to allow inspection of weapon caches. Remarkably, he got the point immediately. He smiled and said that such an offer would have been met with similar skepticism—that it would have prompted him to say that it was easy to turn in some guns (that they could be bought by taking up a collection in a few Irish Republican bars in Belfast or Boston), and the failure to allow inspections would be a source of suspicion.

Reactive devaluation arises from many sources—some quite rational, others less so. But one source is the previously discussed phenomenon of loss aversion. When an offer is put on the table that proposes an exchange of concessions, the things to be given up count as losses, and are given great weight, while the things to be gained are given less weight, especially if the losses are reckoned to be certain and immediate, and gains merely future prospects that depend on the good-will and trustworthiness of the other side.

II. Relational Processes and Barriers: Lessons Learned in the Field

In the aftermath of the *Barriers* volume, SCICN academicians continued to pursue and publish their work in the standard scholarly journals. But they also began to accept invitations to involve themselves in "real-world" peacemaking efforts. In particular, they addressed the question of how structural, strategic, and especially psychological barriers were making their influence felt in the context of two particular conflicts. One was the conflict between unionists and nationalists struggling to reach a final agreement in Northern Ireland. The other was the post-1967 conflict between the Israelis and Palestinians in the West Bank and Gaza. Beyond participating in some second-track diplomacy efforts, SCICN investigators also worked with community leaders and peace activists engaged in intercommunity and intracommunity dialogue processes, and hosted or attended conferences with practitioners. The agenda of those conferences included two questions: What would practitioners do differently if they knew what academic researchers and theorists knew; and what would academicians concerned with conflict do differently, in particular, how would they refocus their work if they knew what practitioners knew? The SCICN investigators also made it a point to engage in discussions with a different class of "practitioners"—those who had engaged in violent confrontation. Work with

ex-prisoners who had embraced political means, rather than violence, proved especially enlightening.

Perhaps the most important benefit from these activities has been a growing appreciation of the central role played by processes and issues that can exacerbate the barriers discussed above or point out the steps required to help overcome them. To some extent, the real-world lessons we learned have sharpened our previous analyses. But, to some extent, they also have provided insights about limitations in our earlier analyses—lacunae that must be addressed as we move from investigating barriers to considering strategies for overcoming such barriers. We offer a brief summary of five of those real-world lessons below and then turn our attention to the central role of relationships and relationship-building, which we increasing recognized to be the key requirement for real progress. (For an account of lessons learned and applied by members of the Harvard Negotiation Project in the year following the publication of *Getting to Yes*, which sounds some of the same themes offered in this chapter, we refer our readers to *Coping with International Conflict* (Fisher, Schneider, Borgwardt, and Ganson, 1997)).

A. The Importance of Trust

For real progress in moving beyond conflict, the parties must feel that their counterparts have both the motivation and capacity to follow through on any agreements. A key element of trust involves the task of dealing with spoilers who seek to undermine agreement by engaging in acts of violence or by making political demands that violate the letter or spirit of interim agreements along the road to peace and reconciliation. All too often the parties treat the other side's failure to completely curb spoilers as evidence of bad faith while insisting that the other side recognizes the delicacy of the political problem their side has in curbing spoilers. Patience and realism are required, but they in turn depend on trust about long-term intentions. Building such trust, as we shall discuss in more detail a bit later in this chapter, generally hinges on the development and communication of a shared view of (and shared commitment to) a *mutually bearable future*. Only when the two sides not only see a tolerable future for themselves but also see a tolerable future for the other side will they trust each other's expressed willingness to embrace an agreement and show the required patience in the face of short-term challenges by would-be spoilers.

B. The Importance of *Intragroup* Conflict

When there are no important divergences of goals or interests *within* the two sides in a conflict, resolution of the intergroup conflict is apt either to be easy or impossible. An important job for the practitioner is balancing the objective of

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fostering cooperation between the "moderates" on the opposing sides of the conflict with that of building support for realistic agreements in the two publics at large and easing opposition from hardliners.

C. The Futility of Trying to Convince People What They Can't Afford to Understand

People remain closed to arguments whose acceptance would expose them to intolerable uncertainty, threat, or humiliation. This is especially true in the case of acknowledging misdeeds and violations of human rights. Explaining why one's own side is right and entitled to what it seeks and why the other side is at fault, without addressing the other side's fears about the future, is futile. Again, only when the parties are confident that agreement will result in a tolerable future for them, for their families, and their communities, are people willing to hear each other's narratives and pleas.

D. The Importance of "Tipping Points"

It is important to recognize that conversion from militant to peacemaker need not involve any "blinding light" conversion. Sometimes, it is merely a matter of giving new hope, of shifting the calculations in question only slightly (from 51% to 49% in favor of violence to 51% to 49% in favor of negotiation, politics, and other nonviolent means) so that the path of peacemaking seems marginally more promising than the path of violent confrontation. In a sense, the lesson involves recognition that the choice of nonviolent tactics and strategies versus violent ones may be a function of the situation at hand, and the way that situation is interpreted or construed, rather than a simple reflection of the personal dispositions of the relevant actors. Testimony from ex-prisoners who became peace activists after their release from prison attested to such tipping points.

E. The Corrosive Effects of Humiliation

Every negotiated peace agreement imposes losses and injustices on the parties. The real question, therefore, is not whether a peace is just or generous but whether the losses and injustices it imposes are bearable and *non-humiliating*. In the face of asymmetric power, the weaker party is likely to feel humiliated by circumstances it experiences, including denial of rights and arbitrary treatment at the hands of the stronger party, and by its inability to change those circumstances. It will therefore be especially unwilling to accept any agreement that perpetuates circumstances it deems humiliating and/or one that is reached through a process it deems humiliating. Thus, unilateral "concessions" by the

stronger party and trades of concessions proposed by powerful third parties are apt be received coolly even when objectively they offer an improvement over the status quo. Exchanges of concessions reached by agreement rather than unilateral concessions made with an accompanying demand for reciprocation can do more harm than good because the recipient of the unilateral concession is apt to feel that it is only getting a portion of what it is due, and it is being asked to give up something to which the other side is not, or at least not *yet,* entitled.

III. Four Questions to Be Addressed in any Fruitful Dialogue between Conflicting Parties

Both our barriers analysis and our experience in the field have led us to recognize that improving the relationship between parties who have been involved in struggle is essential if barriers are to be overcome. Dialogue is obviously required for repair and rebuilding of relationship, but, as we have outlined earlier, it is often highly frustrating and disappointing for participants who assume the candor and goodwill are sufficient to overcome all barriers. Although dialogue typically helps parties to individuate and humanize those on the other side and to gain a better understanding of each other's history, positions, and priorities, progress in moving toward concrete agreements and the willingness to defend those agreements to the participants' communities requires more than candor and goodwill. It is our experience, however, that the fruitfulness of dialogue will be enhanced if the parties at some point in the discussion address four specific questions.

Each of these questions calls upon the parties to undertake the familiar task of considering each other's perceptions and feelings. Typically, parties in conflict are implored to walk in each other's shoes or wear each other's eyeglasses. But such footwear and eyeglass metaphors ignore the problem of naïve realism described earlier. That is, the participants treat their "take" on matters, including the history of their conflict and the outlines of a just settlement, to be veridical and assume the views of the other side to be distorted by self-interest, ideological blinders, and other biases. Accordingly, they come to the dialogue with misplaced confidence about their ability to persuade. Neither party, in our experience, comes to such dialogue with the hope or expectation that they, rather than their counterparts, will be the parties who become more enlightened and, hence, more open to compromise. With this cautionary note regarding naïve realism in mind, let us now turn to the four questions that we have found fruitful to pose at the outset of a dialogue process and to periodically return to in the course of that process. We not only suggest the relevant question but reflect a bit on conflicts and negotiations that have succeeded or failed in addressing them.

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A. The Question of a Shared Future

The first question introduces what we have come to believe is the sine qua non for ending a stalemate and advancing the peace process. *Are the parties able and willing to articulate a future for the **other** side that it would find bearable?* No agreement, or at least no agreement that the two sides would abide by when fortunes shift, is possible unless both parties feel that they would enjoy a reasonably tolerable existence, one acknowledging their basic human rights, if the other side's basic aspirations were to be realized. The parties do not need to share a single view of the future. Indeed, the future that one side seeks may be far from what the opposing side wants or would deem fair. Both sides may even be intent on thwarting each other's aspirations and on moving events in a direction more to their liking. But ultimately both sides must be reasonably confident that not only their own lives but also the lives of the other side would prove to be bearable, not just economically but in terms of human dignity and preservations of the rights and self-expression of their communities, in the aftermath of agreement. So fundamental is the presence or absence of a commitment to a mutually bearable shared future that we are inclined to call it *the peace question.*

The long struggle in South Africa that culminated in an end to apartheid and majority black rule is instructive in this regard. During the last years of his imprisonment, Nelson Mandela had come to recognize that the only way to avoid continuing bloodshed and uncertain prospects for the end of apartheid was to offer white South Africans the vision of a shared future. That vision had three components: "a unitary state without homelands; nonracial elections for the central Parliament; and one-person-one-vote." While he steadfastly refused to consider proposals that would have maintained the apartheid power structure enforced by his one-time jailors, he never let pass an opportunity to talk about the place of white South Africans in the new South Africa. Time and again, he made it clear, sometimes to the dismay of many ANC followers, that majority rule would not entail a new racial hierarchy wherein the white minority would be dominated by a black majority, and denied human rights in a manner akin to that suffered by that black majority in the preceding decades (see Mandela, 2005).

White South Africans who heard him, even those who sought to maintain as much of their former social and economic advantage as possible, had reason to feel that they, their families, and their community would enjoy a satisfying and secure life in the shared future he was proposing. Mandela understood that there would be no peace unless white South Africans heard and believed his recipe for the future, and the unfolding of events proved that belief to be correct.

In working with Israeli supporters of the peace process, we often hear wistful remarks about the need for a "Palestinian Mandela." If the wish is for a leader on

the other side who is popular and perceived to be legitimate, but who is willing to make concessions that no other leader has been willing to offer, the reference to Mandela is misguided. Mandela made no such concessions. What he did accomplish was to offer a view of the future that made white South Africans willing to make concessions that they had previously claimed that they would *never* make. A reasonable goal for our Israeli colleagues, therefore, would be to urge their *own* government and society to adopt policies that make the emergence of such a "Mandela" possible.

This notion of a bearable shared future is clearly minimalist in at least one important respect. As noted above, it does not require the parties to endorse a shared *vision* of the future, one that entails agreement about the details of a new political arrangement and the institutions and policies that would exist in that arrangement. It merely requires that each party be committed to a political process that guarantees a range of outcomes—all of which the other side could live with, rejecting the use of violence in favor of normal political processes to achieve desired adjustments. Normal and stable political processes take root only when the whole range of possible futures is at least minimally acceptable to all that might have the capacity to threaten the peace. In such a context, parties become willing to accept political losses without abandoning the political processes of persuasion, consensus-building, and compromise. Of course, as we noted earlier, this desirable scenario depends upon *trust*—trust by the parties both that no outcome will emerge from the political process that it would find unbearable, and also that no outcome will occur that will move the other party to violent rejection of the political process.

Working to develop acknowledgment of the need for a mutually bearable shared future entails the creation of mutual recognition that each side's interests are encapsulated within those of the other side. Both parties can anticipate that its welfare will be advanced (or at least not subject to deterioration) even as both sides pursues their own stated political goals. In short, both sides come to believe that there is a shared interest in achieving a normal functioning society, one in which the benefits of peace will be greater than any losses suffered in the political process.

Initial steps in pursuing the goal of shared future are apt to be tentative and incomplete. Agreements on broad principles (such as "land for peace" or "respect for territorial integrity") often mask deeper disagreements. Typically, at least in the short run, the parties may "agree to disagree" or, more specifically, agree to postpone discussion of some disagreements.[1] This may be a useful strategy when those disagreements are likely to become less important as other issues are resolved, and the prospective fruits of peace become more tangible. But there is a disadvantage in such a strategy if the issue is an important one that may not be amenable to mutual compromise. When a single zero-sum issue remains, the

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possibility of including it in a broader agreement whereby the party that yields on the issue in question receives major concessions on other issues no longer exists. In other words, "logrolling" is no longer possible.

Short-term or interim agreements that conceal a continuing disagreement about long-term arrangements provide a relevant example. Indeed, such agreements may be possible precisely because the parties have *different* expectations about the future course of events. Each side's commitment to the interim agreement is tactical and predicated upon the calculation that it is a step toward some long-term advantage. If their calculations prove faulty, and events do not unfold as they had envisioned, they will have little compunction about violating the terms of the agreement or terminating it.

Cease-fire agreements are often predicated on just such a disagreement about the likely course of future events and, as such, can provide the fuel for future enmity and mistrust. Each side feels entitled to demand that the other side honor the cease-fire "come what may." At the same time, each side implicitly reserves the right to return to violence if and when new developments so warrant. The problem is compounded because each party may feel that it has made the more significant concession in agreeing to a cease-fire. The more powerful party, or at least the party faring best in the conflict at the moment, will feel that in agreeing to a cease-fire, it has forfeited the possibility of dictating favorable terms or punishing the other side with use of force. The less powerful or less successful party will feel that in agreeing to a cease-fire, it is enduring a degree of humiliation and perhaps putting itself at a continuing disadvantage.

This observation about the asymmetry of views and objectives pertains also to the issue of "open" versus "closed" agreements. The party with greater resources and coercive power will typically want the terms of any agreement that is reached to be irrevocable. In striking a deal, it will be reducing its ability to use future coercive tactics in return of peace, normalcy, and the ability of its constituency to go on with their lives—lives that were unbearable only because tranquility and personal security had been lacking. The party with fewer resources and less coercive power, especially if it acquiesced to terms that gained them little in the way of immediate change in the quality of their lives, will want the agreement to be more "open." In particular, they will want license to revisit those terms at a future date—perhaps when political circumstances, the support of third parties, or other sources of power, have shifted in their favor and issues of justice and compensation can at last be addressed.

In light of this analysis, it is not surprising that cease-fires and other interim agreements tend to break down when one or perhaps both of the parties discover that things are not unfolding as had been hoped and anticipated. For such agreements to create momentum toward a more stable peace, the parties must address the ultimate question of a bearable shared future to each other's

satisfaction. The immediate challenge that arises, therefore, is for each party to do and say things to cause the other to believe that they share a commitment to find a mutually acceptable shared future and are prepared to take the difficult steps required to reach that future.

B. The Question of Trustworthiness

A second question follows directly from our analysis of the shared future question, and it is the one that has dominated our discussions with activists on both sides in the Middle East conflict. *Can the two sides trust each other to honor their commitments?* In particular, can each party trust the other to take the intermediate steps that will be required to create and sustain the necessary momentum toward that shared future? In the context of a long-standing stalemate, each side is all too aware of occasions when the other has aggravated the conflict to gain some immediate goal, not responded to initiatives, failed to honor implicit or even explicit commitments, or otherwise proven unable or unwilling to make the types of difficult compromises necessary for progress toward a settlement.

Both sides are apt to ask of the other: "What has changed that will make things different this time?" "What makes it possible, indeed prudent, to trust you to follow through and freely take the steps and make the compromises that you were previously unwilling to make even in face of the threat of force?" "Why, despite your past broken promises, should we trust you *now*?" Moreover, both sides must believe that the other will not return to force when its goals are thwarted or when violent means promise to be more fruitful, at least in the short run, than nonviolent ones.

Ideally, the parties can demonstrate their own trustworthiness through concrete deeds. Failing that, they can at least articulate the shift that has occurred in objective circumstances or in their calculations, and that now makes it reasonable for the other side to trust that they will follow through on their commitments. Each side must be given reason to believe that the other side will continue, in the face of political opposition and costs, to take the intermediate steps necessary to reach that mutually bearable future. It is worth noting that interim steps on the road to a final settlement often leave one of the parties in a disadvantaged position with regard to the other. In such instances, the less advantaged party may rightly fear that its concessions (and/or losses) will prove to be permanent and will not be compensated by concessions on the part of the other side. They may fear, perhaps justifiably, that their adversaries will drag their feet indefinitely rather than take the further steps needed to reach a longer-term, more satisfactory settlement. If their adversaries are the more powerful party in the conflict, and the later steps called for would jeopardize the privileges and security that their dominance affords them, this fear may well be warranted.

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Political leaders signaling the desire for a change in relationship with the other side may also need to assure their own constituency that they are not "selling out" or leaving them vulnerable to exploitation at the hands of an adversary that is untrustworthy. In short, leaders must signal an increased willingness to move forward toward agreement in a way that encourages the other side to move forward as well. However, they must do so in a manner that does not appear rash and threatening to their supporters. More than a few peace processes have stumbled because leaders could not meet this challenge.

Perhaps no one has navigated these perilous straits more adroitly than Sinn Fein and Protestant loyalist leaders in Northern Ireland. Gerry Adams and Martin McGuiness, Sinn Fein's leading spokespersons, needed to convince the British government that their political goals had changed in such a way that a settlement was possible. This led Adams and McGuiness to pledge to stabilize politics in Northern Ireland by entering into government and a legislative assembly they had previously foresworn. But to reassure the grassroots that they had not betrayed the Republican movement, they insisted that their goal was to launch a process of social and political transformation. They argued that this new tactic, seen in a proper light, was a shrewd political step that would hasten the realization of Sinn Fein's ultimate goals. At the same time, Adams and McGuiness sought to reassure skeptical British and Unionist audiences that their shift to peaceful politics was fundamental. So successful were they in the latter effort that some commentators dubbed the apparent shift as the "decommissioning" of Republican ideology.

Implementation of the peace deal became possible as Unionist leaders undertook parallel steps. David Trimble's Ulster Unionist Party entered into peace talks with Sinn Fein and other parts, signaling a willingness to form a government with their former enemies and even to allow them to continue their struggle for political and social transformation—provided that they did so at the ballot box rather than through the gun or bomb. Loyalist leaders such as David Ervine and Gusty Spence made the same argument to grassroots Protestant communities, arguing that an end to sectarian violence would come about only through honest dialogue with their Republican counterparts.

However, Ian Paisley's more hardline Democratic Unionist Party accused Unionist and Loyalist leaders who participated in the peace talks with Sinn Fein of selling Protestants down the river. Paisley's party walked out of the talks, and refused to sign a deal. DUP intransigence undermined Trimble's efforts to convince the Protestant community that engaging Republicans in politics was the most effective way to thwart Republican extremism, and the new power-sharing government collapsed. Despite the political impasse, the British military continued to engage the IRA through reciprocal acts of demilitarization in exchange for decommissioning. The crisis was finally resolved when Paisley's party came

to the conclusion that their own ability to exercise political power was tied up in sharing that power with Sinn Fein. The DUP shifted their stance to advocate engagement and persuaded their constituents that power-sharing was the key to political normalization and Sinn Fein's electoral mandate was as legitimate as their own.

These were bold strategies on the part of Republicans and Loyalists alike, and the key to maintaining their somewhat contradictory messages was a set of initiatives that not only communicated a commitment to a shared future but held the promise of improvement in the daily lives of their respective constituencies. The strategy adopted by both sides was essentially one of *reciprocal unilateral action*. The parties sought to identify and take actions that could be undertaken without the assistance of the other side, actions that furthered their own interests and bettered the everyday lives of their constituents and at the same time, communicated a commitment to bring about a future that the other side would find bearable, even if not particularly attractive. What the parties said and did throughout this process might have seemed unexceptional to outsiders. Nevertheless, the words and deeds were things that both sides thought they would never hear or see from their long-time adversary.

An even more dramatic example of signaling a change in position and the desire for a changed relationship was Anwar Sadat's visit to the Israeli Knesset in 1977. The journey undertaken by Sadat was one that most Israelis and even most outsiders would have characterized as inconceivable. It is worth noting that in his actual speech Sadat made few, if any, concessions to the Israelis. For the most part, he reaffirmed prior positions. Nevertheless, Israelis saw his willingness to come to Jerusalem to personally address the Knesset as evidence that Sadat was someone with whom they could make peace. The Egyptian prime minister's brave act led to a breakthrough that none had foreseen. Unfortunately, it also led to his death at the hands of spoilers who fully recognized the role he could play in making peace.

C. The Question of "Loss Acceptance"

Negotiated agreements are bound to result in a sense of loss because the terms of such agreements pale in comparison to the hopes and dreams that fueled the parties' steadfastness during the struggle and helped them to justify their sacrifices. As we noted earlier, the problem is exacerbated by the phenomenon of "loss aversion" noted by Kahneman and Tversky (1979, 1984), whereby the combination of uncertain prospective gains and certain losses are evaluated less positively than an objective assessment of their respective magnitudes would merit.

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The challenge of getting the parties to accept their losses cannot be met head-on. Both sides feel that the losses they are being asked to accept are not matched by the losses that the other side is being asked to accept. They feel that a truly equitable agreement would require the other side to give up more and their own side less. Moreover, when they hear the other side complain about the balance of gains and losses in the agreement, they regard those complaints as tactical posturing, and they harden their resolve not to succumb to such tactics. They feel that, given the balance of concessions made by the two sides thus far, it should be up to the other side to make the *next* accommodation. Because both sides have the same conviction in this regard, they both stand back waiting for the other side to make a move and interpret their delay in doing so as a sign of insincerity.

It may not be possible to make either party (much less *both* parties) feel the terms of agreement that presently must be accepted to achieve peace are truly equitable. However, there is a more modest goal that can be pursued. The members of the two communities can be led to a greater appreciation of the magnitude and painfulness of the losses, both material and psychological, that the other side will be accepting. It is in pursuit of this objective that inter-community dialogue and other citizen-based initiatives may prove most useful. In our experiences working with groups that bring together influential citizens on the two sides of a conflict, we have found that all too often at-tempts to formulate detailed peace plans merely recreate the stalemates that exist among leaders. But we have also found that something important takes place as dialogue participants share stories about the prices that they and others in their community have paid, and as they recount the process by which they have come to abandon previous hopes and dreams in favor of more pragmatic and potentially achievable agreements. What they come to appreciate is the *authenticity* of the sacrifices and lost hopes that the other side will be bearing. This, in turn, lessens their sense that peace will come at a heavier price for their side than the other side, and increases their willingness to pay that price.

Often, negotiators and mediators try to hide losses by formulating compli-cated terms in which so much trading or "logrolling" of gains and losses is going on that the parties are less inclined to focus on their losses. While such tactics may be effective in the context of certain commercial negotiations, in the pursuit of agreements to end conflicts between long-time adversaries, we have found it to useful to make losses *more* transparent, not less. Terms of agreement that un-ambiguously acknowledge what each side will be losing have two advantages. First, each side makes clear to the other side the painful losses it is now willing to accept. Second, each side can have more confidence that the other side will not balk at paying the full price of peace.

In this regard, it is instructive to compare two peace proposals that were circulated during the Second (or *al-Aqsa*) Intifada. One, the so-called *Geneva Accord* was 39 pages long, had 16 articles, contained almost 10,000 words, and spelled out the mechanisms for resolving contentious issues in great detail and with numerous qualifications. For example, with respect to the Palestinian refugee issue (which was described in over 2000 words and in 14 subsections), the Palestinians were offered five options to consider. Only two of the options, however, could be exercised by the unhindered choice of the Palestinians. The remaining three options were circumscribed by the discretion of Israel or third parties. Moreover, it was possible to read some of the provisions in more than one way. Most importantly, the highly complex document did not allow ordinary citizens to see exactly what their side and perhaps, more importantly, what the other side would be giving up.

By contrast, the other proposal, termed the *Nusseibeh-Ayalon Agreement* was just a page long. The 465-word agreement specified that Israel would keep little if any of the land it conquered in 1967 (except for mutually acceptable land swaps) and that the Jewish state would allow Palestinians to fulfill their cherished dream of an independent state with East Jerusalem as its capitol. Palestinians, in turn, would give up on all demands for a collective "right of return" to their former homeland in Israel, and the new Palestinian state would be demilitarized. Most important, the document makes it clear that no additional claims would be pursued, and that upon full implementation of the agreement the Israel-Palestinian conflict would at last be over.

Neither plan ultimately made much political headway in the face of weakened leadership on both sides. Some peace activists championed the Geneva Accord; others favored the Nusseibeh-Ayalon Agreement. However, virtually all the activists and dialogue participants with whom we worked welcomed the greater transparency of loss in the latter plan. In particular, they welcomed the fact that the other side would have no "wiggle room" allowing it to renege on its commitment to make the painful concessions called for in the agreement. The basic quid pro quo linking each side's prospective gains and losses was unambiguous and not amenable to haggling about details. Neither side, it was clear, would be able to "pocket" the gains offered to it by the plan without paying the full costs. The advantage of such transparency in a document intended to signify the wishes of ordinary citizens for a mutually acceptable shared future, as opposed to the inevitably complex provisions crafted by diplomats in a formal agreement, was apparent. Hearing both ordinary citizens and prominent ones on the other side openly and publicly—perhaps for the first time—acknowledge its willingness to accept the most painful of the losses it would have to endure to reach a settlement promised to build needed trust, as those on both sides would see that their adversaries were at last willing to pay the full price of peace.

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D. The Question of Just Entitlements

The search for an agreement to end a costly and protracted conflict faces an additional obstacle. One or both sides is apt to feel that proposed terms of settlement, while perhaps bearable and clearly better than the status quo, are *inequitable* and therefore *unjust*. The antagonists feel that the proposed terms of agreement call upon them to make important and painful concessions without requiring the other side to concede anything of consequence—certainly not anything to which they had any entitlement in the first place. Insofar as the parties can make symmetric concessions (trading land for land or agreeing to a mutual rejection of violence), the problem of perceived inequity may be solved relatively easily, although this may be less true when one or both of the parties feel that the status quo before the flare up of conflict was itself inequitable. But when the relevant concessions will necessarily be asymmetric, loss aversion makes the problem of perceived inequity particularly intractable.

In the long run, assuming that the quality of everyday life sufficiently improves, the parties will come to hold more positive views about the "inequitable" deal they made and the value of the peace it achieved. They may even come to reduce their dissonance about the losses imposed by that deal by deciding that what they gave up wasn't so important after all. Indeed, they may come to feel that it was folly to have continued the struggle so long and at such cost. But, during the negotiation process and even in the immediate aftermath of agreement, the relevant terms are apt to leave both sides feeling dissatisfied and diminished, with a sense that the losses they are being obliged to accept are not being appropriately acknowledged and respected by their adversary and by third parties.

At a critical point in the South African negotiations, the ANC faced just such a decision involving tradeoffs between expediency to achieve agreement and what its members thought to be the demands of justice. Joe Slovo, hardline Marxist and long-time white member of the ANC, addressed the issue head-on in a now famous article entitled "Negotiations: What Room for Compromise?" Slovo reminded ANC supporters that they hadn't won a military victory and, therefore, they could not impose their maximalist demands on the Nationalist Afrikaner government. In such a context, he argued, the goal must be the creation of a political context in which a just nonracial democracy could be pursued under favorable conditions rather than any state of affairs whereby that goal would be blocked if not permanently then for the foreseeable future. All else— in particular, the replacement of white public officials in the state bureaucracy— were matters subject to compromise and tradeoffs. In other words, Slovo was advising the ANC to tolerate, at least temporarily, the perpetuation of what was perceived to be a remnant of the old unjust order as a means to achieve the main

goal of a just society, one in which secondary goals such as bureaucratic restruc-
turing could be pursued through normal political means.

While discussions of just entitlements can undermine the task of relationship-
building, the issue of justice cannot simply be ignored. More often than not, con-
flict, particularly violent political conflict, is foremost a struggle between
competing views of justice. When justice is understood by the parties to be get-
ting that to which they are entitled, the other side—the party whose claims and
objections thwart that goal—become the embodiment of *injustice*. The mantra,
particularly for the party that has suffered most during the ongoing struggle,
becomes *no peace without justice*. The louder and more often that mantra is
sounded, the more likely it is that the result will simply be no peace.

The paradox is a familiar one for the peacemaker. While a minimal sense of
justice is an indispensable aspect of any durable peace, the headlong pursuit of
justice by one or both sides is apt to be counterproductive. Indeed, if the parties
did not disagree about what a just agreement would entail, there would not be a
conflict. In our experience, it is best to direct initial attention away from conflict-
ing claims about history and the entitlements that arise from past losses and vio-
lations of human rights that had been endured.[2] Instead, the focus of discussion
should be two-fold. The parties should seek to rectify the most serious injustices
that are currently being endured. People of goodwill who cannot agree about the
requirements of justice can often recognize suffering that is undeserved and
unjust and can then agree on provisions to reduce such suffering. The parties
also should acknowledge the losses that a mutually acceptable settlement would
necessarily impose on at least some members of the other community as well as
their own.

We have also found it useful to note that the relationship between peace-seeking
and justice-seeking relates to a question that all of us face daily in our lives and with
our dealings within our own families and communities. Few of us feel that the
workings of our families are entirely fair and just. Fewer still would claim that our
workplaces and communities offer anything approximating complete fairness and
justice. The question we confront therefore is whether the particular departures
from what we deem fair and just are so egregious that we are not willing to bear
them in the interests of decent working relationships and the pursuit of important
life goals. The critical question that participants in conflict similarly must ask
themselves is not whether peace—at least, any *achievable* peace—is fully just.
Rather, it is whether the fruits of peaceful relationships are not, in fact, worth the
feelings of imperfect justice that they, and others, will have to bear if they are to
reap those fruits.

Is there a limit to the amount of injustice that can legitimately be accepted in
order to achieve various material benefits? Are there some circumstances in
which the very notion of "give-and-take" dealmaking is a moral affront? The

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answer, which has political as well as moral significance, is obviously yes. Some-
times, it may be necessary to make a deal with the devil (see Mnookin, 2010)
but not at the price of one's soul, or worse still, when it is *other people* who will
have to pay the terrible price.

The Holocaust posed that dilemma for many leaders and, even today,
people continue to debate the morality of deals with the Nazi regime that
saved some, but in so doing, doomed others and served the interests of that
evil regime. The philosopher Avishai Margalit draws the line between legiti-
mate and illegitimate deals by focusing on the issue of humiliation, which
Margalit suggests arises when human beings are treated as nonhuman—when
they are denied the minimal rights and capacities that are owed to all people
regardless of their status (Margalit, 1996). Margalit, in fact, sets a very high bar
for rejecting a peace proposal because of its apparent injustice. Unless the pro-
posed terms of settlement would treat one of the parties as less than human, or
perpetuate such a state of affairs, he insists that those terms merit consider-
ation. Negotiated agreements that would require the parties to forego some of
the entitlements they feel they deserve in order to achieve peace and better the
everyday lives of the people affected by the agreement are generally the best
that can be achieved.

IV. Summary and Concluding Observations

Perhaps the chief lesson to be drawn from the reflections offered here is that
in the context of many protracted conflicts treating conflict resolution as
merely a matter of realigning or reconciling interests in search of "win-win"
advances over the status quo is likely to be unsuccessful and perhaps even
counterproductive. All conflicts, to some degree, pit the objective interests of
one party against those of another party. However, conflicts differ in the extent
to which the parties see their prospects in zero-sum terms. Some conflicts ap-
pear—at least to one party but often to both parties—to put at risk not only
its future well-being but its very existence. The adversaries appear to each
other not as rivals with whom business can be done where interests converge
but as *enemies*. In these instances, the conflict is seen as a zero-sum struggle in
which any potential gain by an enemy constitutes a threat and a loss to one-
self, and to one's own side; and any loss that can be imposed on that enemy is
seen as a gain.

Beyond the structural, strategic, and psychological barriers that must be
overcome in any negotiation between parties with divergent interests, in many
intergroup conflicts unaddressed feelings of injustice, humiliation, and power-
lessness pose a particular problem. Such feelings can make it impossible for

the weaker party to enter into seemingly beneficial agreements because it per-
ceives such agreements as an affront to its dignity. Moreover, in the face of such
feelings, even minor confrontations give offense and rub salt into existing
wounds by reminding the weaker party of its limited means of redress. Con-
flicts such as these are sustained and exacerbated by feelings of humiliation
and cannot be satisfactorily resolved until the relations in question are repaired
to the point where considerations of material interest loom larger than such
affective considerations.

In short, the nature of the relationship that exists between the conflicting
parties makes the relevant barriers more difficult to overcome and can itself act
as a barrier to the management or resolution of the conflict. Improving that rela-
tionship, providing a basis for trust to replace mistrust, and creating the sense
that a shared future is possible, is generally the starting point for amelioration of
a conflict that appears intractable, and for lightening the burden it imposes on
the participants. From a barriers perspective, the two specific issues to be
addressed are (1) What prevents a conflict that is currently intractable because
of enemy relationships from becoming an ordinary conflict of interest, one in
which mutually beneficial trades of concessions become possible? (2) What
prevents a demeaning and degrading relationship from becoming a relationship
in which both sides accept each other's humanity and right to a secure and dig-
nified future? The peacemaker's task, accordingly, is to address these relational
issues, so that "normal" interest-based negotiation in service of a mutually ac-
ceptable future can ensue.

In this essay, we shared a number of observations that come from our ex-
periences in working with would-be peacemakers and bridge-builders
between warring communities—some of which have reinforced ideas tested
in experimental research and some of which have forced us to change our
emphases and expand the domain of our concerns. We have also identified
four questions—the question of a shared future, the question of trustworthi-
ness, the question of loss acceptance, and the question of just entitlements—
that we believe provide a useful starting point for real-world efforts at conflict
management and resolution. We have found that dialogue between the
parties, not only at the level of diplomats and leaders but also at the level of
factional representatives, opinion leaders, and even ordinary citizens, can be
useful. But such dialogue must do more than allow the parties to reiterate
long-held positions, air grievances, and offer arguments whose acceptance
would threaten or humiliate the other side by continuing denial of basic
human rights. It must begin to deal with these questions in a forthright
manner, with each party trying its best to appreciate not only the other party's
legitimate concerns but also its other understandable fears, frustrations, and
feelings of prospective loss.

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1. The example of the status of Jerusalem in any future peace agreement is a case in point. The moderates on both sides endorse the principle that East Jerusalem will be the capitol of the new Palestinian state. However, in our experience, having the parties discuss the details of a plan that would provide universal access to the Haram al Sharif by West Bank Palestinians without reducing security against terrorism for Israeli Jerusalemites quickly reveals the remaining distance between the parties.

2. It is a cliché to state that in protracted conflicts and deadlocked negotiation, "both sides are wrong." In our view, the real problem in most historical conflicts is that both sides are actually *right*—at least in the bill of particulars they offer in support of the injustice they claim to have suffered. No negotiated settlement will rectify all such injustice to the satisfaction of the aggrieved parties. On the contrary, in rectifying some injustices, it will impose new ones.